

II. REMARKS

Elections/Restrictions

The examiner has deemed the election requirement proper and has withdrawn Claims 16-19 from further consideration under 37 CFR § 1.142(b). Applicants have revised the listing of claims to reflect the status of the withdrawn claims.

Drawings

The examiner has objected to the drawings under 37 CFR § 1.83(a), asserting that the drawings must show every feature of the invention specified in the claims. Corrected, formal drawings are attached to this paper, the corrected drawings depicting the claimed latches, controllably linked headrest and seatback, and visual indication of the present invention. No new matter has been introduced in the corrected drawings, which merely illustrate the teachings of the specification, including paragraphs 0023, 0028 and 0034.

Specification

The specification has been amended to correspond to the corrections made to the drawings. No new matter has been introduced by these amendments, which merely add reference numbers corresponding to features in the corrected drawings.

Claim Objections

Claims 13-15 have been amended to correct the informalities objected to by the examiner.

Claim Rejections – 35 USC § 102

Claims 1-3, 5, 7, and 12-15 stand rejected under 35 USC § 102(e) as being anticipated by U.S. Patent No. 6,629,729 to Wiedeman (“Wiedeman”). In particular, the examiner asserts that Wiedeman discloses forward support legs that automatically fold to a stowed position proximate the bottom portion of the seat cushion and automatically unfold into an extending position.

Claim 1 has been amended to include a limitation wherein the forward support leg automatically folds into a stowed position proximate the bottom portion of the seat

cushion when the seat cushion is pivoted upwardly, and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. This amendment more clearly distinguishes the claimed invention over the cited art but does not constitute new matter, as automatic folding of the forward support leg is amply disclosed in the present application.

Applicants have carefully reviewed the Wiedeman reference and respectfully disagree with the examiner's position that Claim 1 of the present invention is anticipated. A claim is anticipated under 35 U.S.C. § 102 "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Although the examiner has asserted that the Wiedeman patent teaches an automatically-actuated folding forward support leg, in fact Wiedeman teaches a seat leg 58 (Figs. 5 and 6) that must be manually actuated by the user (see, e.g., col. 3, lines 45-50 and col. 5, lines 1-5). For example, Wiedeman discloses a grip opening 60 provided inside of an outer shell 56 in order to enhance the ability of the user to grip seat leg 58 for movement (col. 3, lines 50-51). Quite the opposite, the forward support leg of applicants' claimed invention is configured to automatically fold into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly, and automatically unfold into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. Thus, no intervention on the part of a user is required to stow or extend the support leg.

Furthermore, the support leg 58 of the Wiedeman patent is oriented laterally with respect to the seat bottom 28 (Fig. 4). In contrast, the support leg of applicants' claimed invention is oriented forwardly with respect to the seat cushion.

Because the Wiedeman patent fails to disclose the automatically-actuated forward support leg element of applicants' claimed invention, applicants submit that Claim 1, as amended, is allowable over the cited patent. Claims 2, 3, 5, 7 and 12-15 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2, 3, 5, 7 and 12-15 are also allowable.

Claims 1, 2, and 5-7 stand rejected as being anticipated by U.S. Pat. App. Publication No. 2004/0032155 to Yamada et al. ("Yamada"). In particular, the examiner asserts that the Yamada publication discloses a forward support leg 17 that automatically folds into a stowed position proximate the bottom portion of the seat cushion and automatically unfolds into an extending position.

Applicants have carefully reviewed the Yamada reference and respectfully disagree with the examiner's position that Claim 1 of the present invention is anticipated. A claim is anticipated under 35 U.S.C. § 102 "only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Although the examiner has asserted that the Yamada publication teaches an automatically-actuated folding forward support leg, in fact Yamada teaches a support leg 17 (Fig. 4) that must be manually actuated by the user (see, e.g., paragraphs 0013 and 0020). The support leg 17 is manually stowed proximate a seat bottom 14 when the seat bottom is in a retracted position. When the support leg is manually moved to an extended position a cable 43 coupled between the support leg and a seat release lever 29 actuates a lock mechanism 18, allowing the seat bottom to be rotated from the retracted position to an available position (see, e.g., Fig. 3 and paragraph 0020). The lock mechanism thus prevents displacement of the seat bottom 14 to the available position without first moving the support leg to a support position (paragraph 0022).

The structure and operation of the support leg disclosed in the Yamada reference differs considerably from applicants' claimed invention. The forward support leg of applicants' claimed invention is configured to automatically fold into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly, and automatically unfold into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. Thus, no intervention on the part of a user is required to stow or extend the support leg. Additionally, applicants' forward support leg is not linked to a lock mechanism for a seat bottom, as there is no need for a lock mechanism since the support leg is always extended when the seat bottom is in the generally horizontal available position.

Because the Yamada publication fails to disclose the automatically-actuated forward support leg element of applicants' claimed invention, applicants submit that Claim 1, as amended, is allowable over the cited publication. Claims 2 and 5-7 depend ultimately from Claim 1 and each add limitations that further distinguish the claimed invention from the prior art. As such, applicants submit that Claims 2 and 5-7 are also allowable.

Claim Rejections – 35 USC § 103

Claims 4, 10 and 11 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of U.S. Patent No. 5,826,942 to Sutton et al. ("Sutton"). Yamada discloses a manually operated support leg for a vehicle seat that additionally operates a latch to release a seat bottom from a stowed position. Sutton teaches a headrest 24 that is coupled to a pivot 34, allowing the headrest to be manually oriented in either an extended position or a stored position (see, e.g., Fig. 1 and col. 3, lines 20-56). Taken together, Yamada and Sutton disclose a seat that has a manually operated support leg that also operates a latch to release a seat bottom from a stowed position, and further includes a headrest that may be manually pivoted between an extended position and a stored position.

To establish obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants' claimed invention includes an automatically operated support leg. As detailed above in applicants' response to the 35 USC § 102 claim rejections, applicants' automatically operated support leg differs from the manually operated leg member of Yamada in both structure and function. Furthermore, Sutton fails to teach or disclose leg support elements which, when combined with Yamada, would place applicants' claimed invention in the prior art. Accordingly, neither Yamada nor Sutton, separately or in combination, provide any suggestion or teaching for an automatically operated support leg.

To establish obviousness of a claimed invention there must also be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine

reference teachings. *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). Neither Yamada nor Sutton, separately or in combination, provide any suggestion or motivation to modify or combine the teachings therein to provide a support leg that automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly, and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. As discussed in detail above in applicants' response to the 35 USC § 102 claim rejections, Yamada teaches away from an automatically operated support leg, disclosing instead a support leg that is manually actuated by a user to unlock a lock mechanism that prevents displacement of a seat bottom to the available position without first moving the support leg to the support position. Sutton teaches a headrest 24 that is coupled to a pivot 34, allowing the headrest to be manually oriented in either an extended position or a stored position (see, e.g., Fig. 1 and col. 3, lines 20-56). Combining Yamada and Sutton results in a vehicle seat that has a manually operated support leg that also operates a latch to release a seat bottom from a stowed position, and further includes a headrest that may be manually pivoted between an extended position and a stored position.

In contrast, applicants' claimed invention comprises a support leg that stows unobtrusively and also solves the problem of preventing inadvertent deployment of a stowable seat bottom without a support leg, which Yamada attempts to address, but without the need for manual intervention on the part of the user as is required by Yamada. Applicants' claimed invention further overcomes the shortcomings of the combination of Yamada and Sutton by providing a vehicle seat comprising a headrest that is pivotably coupled to a seatback and/or is releasably retained thereto, and a support leg that automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. Based on the foregoing, applicants submit that Claims 4, 10 and 11 are not obvious in view of the combination of Yamada and Sutton, and are thus allowable over the cited art.

Claims 8, 9 and 20 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Yamada in view of Sutton, and further in view of U.S. Patent No. 6,231,101 to Kamida et al. ("Kamida"). Yamada discloses a manually operated support leg for a vehicle seat that additionally operates a latch to release a seat bottom from a stowed position. Sutton teaches a headrest that is coupled to a pivot, allowing the headrest to be manually oriented in either an extended position or a stored position. Kamida discloses a vehicle seat having a seatback 16 that is releasably retained in a first vertical position or a second horizontal position by a latch 45 (see, e.g., Fig. 2 and col. 3, lines 41-62). Taken together, Yamada, Sutton and Kamida disclose a seat that has a manually operated support leg that also operates a latch to release a seat bottom from a stowed position, includes a seatback that is releasably retained in either a first vertical position or a second horizontal position, and further includes a headrest that may be manually pivoted between an extended position and a stored position.

To establish obviousness of a claimed invention, all of the claim limitations must be taught or suggested by the prior art. *In re Royka*, 490 F.2d 981, 180 USPQ 580 (CCPA 1974). Applicants' claimed invention includes an automatically operated support leg. As detailed above in applicants' response to the 35 USC § 102 claim rejections, applicants' automatically operated support leg differs from the manually operated leg member of Yamada in both structure and function. Furthermore, neither Sutton nor Kamida, either separately or in combination, teach or disclose leg support elements which, when combined with Yamada, would place applicants' claimed invention in the prior art. Accordingly, neither Yamada, Sutton nor Kamida, separately or in combination, provide any suggestion or teaching for an automatically operated forward support leg.

To establish obviousness of a claimed invention there must also be some suggestion or motivation in the references themselves or in the knowledge generally available to one of ordinary skill in the art to modify the reference or to combine reference teachings. *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998). Neither Yamada, Sutton nor Kamida separately or in combination, provide any suggestion or motivation to modify or combine the teachings therein to provide a support leg that automatically folds into a stowed position proximate the

bottom portion of the seat cushion when the seat cushion is pivoted upwardly, and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. As discussed in detail above in applicants' response to the 35 USC § 102 claim rejections, Yamada teaches away from an automatically operated support leg, disclosing instead a support leg that is manually actuated by a user to unlock a lock mechanism that prevents displacement of a seat bottom to the available position without first moving the support leg to the support position. Sutton teaches a headrest that is coupled to a pivot, allowing the headrest to be manually oriented in either an extended position or a stored position. Kamida discloses a vehicle seat having a seatback 16 that is releasably retained in a first vertical position or a second horizontal position by a latch 45 (see, e.g., Fig. 2 and col. 3, lines 41-62). Combining Yamada, Sutton and Kamida results in a vehicle seat that has a manually operated support leg that also operates a latch to release a seat bottom from a stowed position, includes a seatback that is releasably retained in either a first vertical position or a second horizontal position upon manual rotation of a headrest to a stored position, and further includes a headrest that may be manually pivoted between an extended position and a stored position.

In contrast, applicants' claimed invention comprises a support leg that stows unobtrusively and also solves the problem of preventing inadvertent deployment of a stowable seat bottom without a support leg, which Yamada attempts to address, but without the need for manual intervention on the part of the user as is required by Yamada. Applicants' claimed invention further overcomes the shortcomings of the combination of Yamada, Sutton and Kamida by providing a vehicle seat comprising a headrest that is pivotably coupled to a seatback, the seatback being releasably retained, and a support leg that automatically folds into a stowed position proximate the bottom portion of the seat cushion when the seat cushion is pivoted upwardly and automatically unfolds into an extended position generally perpendicular to the seat cushion when the seat cushion is pivoted downwardly. Based on the foregoing, applicants submit that Claims 8, 9 and 20 are not obvious in view of the combination of Yamada, Sutton and Kamida, and are thus allowable over the cited art.

III. CONCLUSION

It is noted that the examiner has cited but not applied U.S. Pat. Nos. 5,489,141, 5,707,103, 5,984,397 and 6,672,662 against applicants' claimed invention. Apparently, the examiner has concluded that the unasserted art, whether considered in part or in combination, neither anticipates nor renders obvious applicants' claimed invention.

For the reasons discussed above, applicants submit that amended Claims 1-15 and 20 of the pending application are patentable over all the prior art of record. It is believed that the application is now in form for allowance and favorable action by the examiner is requested. The examiner is requested to contact applicants' representative at the telephone number below if any other issues remain.

Respectfully Submitted,



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